

TO: Clerk of United States District Court: Southern District  
OF TEXAS Post Office Box 61010; Houston, Texas 77208 (ON FILE)  
FROM: Henry Wayne White #622752 At Bell Clements Unit 12-C-Police  
DATE: August 3, 2024 CIVIL ACTION NO. 2:19-cv-00262

RE: Clerk of the Court And Hon Judge of the Court

AUG 09 2024

RE: THIS MOTION FOR ATTORNEY'S FEES WHAT  
COURT ORDER SAY JULY 6, 2022 THE HON JUDGE  
NELVA GONZALES RAMOS UNITED STATES  
DISTRICT JUDGE OF APRIL 11, 2023 MY NAME IS WRONG  
IN THIS CASE AND LEAVE TO FILE STATUS REPORT  
UNDER SEAL WHICH IN THIS CLASS ACTION -  
SETTLEMENT AND ATTORNEY'S FEES (D.F. 314) ON

NOW I FANT THAT I HAVE WHAT I SAY ON MY CASE  
PAPERWORK, I SAY BY the Hon. Judge that if SAY (2)  
CASE, WHICH HAS ALREADY BEEN DISPOSED OF BY THE COURT  
FIND ORDER AND JUDGMENT APPROVING CLASS ACTION  
SETTLEMENT AND ATTORNEY'S FEES (D.F. 314) CONSEQUENT  
THE COURT STRIKES the Petition (D.E. 616) AND  
HEREBY ORDERED to KEEP UNDER SEAL PLAINTIFF'S MOTION  
THE STATE'S DUTY TO PROTECT MY PROPERTY THAT THEY TAKEN  
TO STOP ME FROM DOING MY LEGAL WORK AND TO FILE TO THE  
COURT WHICH THAT WAS WRONG DOING TO TORT ACTIONS, TO  
LEARN HOW TO DO SO, TO SUCCEED ON A NEGLIGENCE CLAIM  
MY MUST PROVE THREE THINGS: VIOLATED MY CONSTITUTIONAL RIGHT  
AND HUMAN RIGHTS TO (1) DUTY OF CARE - THAT THE DEFENDANTS  
FAILED TO MEET THAT DUTY, AND (2) BREACH OF DUTY - THAT THE  
DEFENDANTS FAILED TO MEET THAT DUTY, (3) INJURY - THAT MY  
WERE INJURED AS A RESULT OF THAT FAILURE. SEE - CASE  
BROWN V. SHERIFF, 894 E SUPP. 66, 69-72 (N.D.N.Y. 1995)  
FINDING THAT PRISON OFFICIALS WERE FAILURE TO TREAT MY PAIN IN  
INJURIES THAT HAD ME IN PAIN THAT VIOLATED MY CONSTITUTIONAL RIGHTS  
OF A HUMAN RIGHTS AND THIS IS ONE OF THE NAMES PCC MS. RICH, HILARY  
(ON FILE) OVER PAGE (1)

And Now Get Back to Recovery of Attorney's Fees Under 42 U.S.C. § 1988, is barred in "ANY ACTION BROUGHT BY A PRISONER except when the fees are directly and reasonably incurred in PROVING AN ACTUAL VIOLATION OF THE PLAINTIFF'S RIGHTS UNDER A STATE THAT ALLOWS FEES TO BE AWARDED. FEES CAN NOT BE AWARDED IN CASES THAT ARE SETTLED WITHOUT FINDINGS OF AN ACTUAL VIOLATION OF RIGHTS, though it MAY be that FEES CAN be AWARDED when A SETTLEMENT IS ACCOMPANIED BY A FINDING OF VIOLATION. FEES MAY ALSO be AWARDED if they ARE DIRECTLY AND REASONABLY INCURRED IN ENFORCING THE RELIEF ORDERED FOR THE VIOLATION. The STATE says that FEES MUST BE PROPORTIONATELY RELATED TO THE COURT ORDERED RELIEF FOR THE VIOLATION. DEFENDANTS MAY BE REQUIRED TO PAY FEES AWARDED OF UP TO 150 PERCENT OF ANY DAMAGES AWARDED but no more, HOURS RATES FOR LAWYERS' FEES ARE LIMITED TO 150 PERCENT OF THE CRIMINAL JUSTICE ACT (CJA) RATES FOR CRIMINAL DEFENSE REPRESENTATION SET IN 18 U.S.C. § 3006A. INCARCERATED PEOPLE ARE MORE DIRECTLY AFFECTED BY THE PART OF THE ACT THAT SAYS UP TO TWENTY-FIVE PERCENT OF A MONETARY JUDGMENT CAN BE APPLIED TO THE FEES AWARDED. THE SUPREME COURT HAS HELD THAT THE PHRASE "NOT TO EXCEED 25 PERCENT" MEANS THAT THE COURT MUST APPLY AS MUCH OF THE JUDGMENT AS NECESSARY UP TO 25% TO SATISFY AN AWARDED OF ATTORNEY'S FEES AND HAS NO DISCRETION TO APPLY A SMALLER PERCENTAGE. THE COURTS HAVE REJECTED ARGUMENTS THAT ATTORNEY'S FEES RESTRICTIONS DENY INCARCERATED PEOPLE EQUAL PROTECTION OR OTHERWISE VIOLATE THE CONSTITUTION. NOWZ DO THANK YOU FOR YOUR TIME TOO.

GARRY WAYNE WHITE; Garry Wayne White 622752  
EXPMINEE NAME PRINTED & SIGNED

Date: August 3, 2024

AT BILL CLEMENTS UNIT

(ON FILE)

PAGE (2)

Larry Jay White  
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Bill Clements Unit  
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Amarillo, Texas  
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AMARILLO TX 791

05 AUG 2024 PM 2:45

FILED  
FEB 1 2024  
AMARILLO TEXAS  
CLERK OF THE COURT  
SOUTHERN DISTRICT OF TEXAS  
UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF TEXAS  
FEB 1 2024  
CLERK'S OFFICE BOX 61010

United States District Court  
Southern District of Texas  
United States Court of Appeals  
Southern District of Texas  
FILED  
AUG 09 2024  
Houston, Texas

Nathan Ochsner, Clerk of Court

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